

United States Court of Federal Claims

SPACE EXPLORATION
TECHNOLOGIES CORP.,

No. 14-354-C

Plaintiff,

v.

Judge: Braden

THE UNITED STATES,

Defendant,

and

UNITED LAUNCH SERVICES, LLC.

Defendant-Intervenor.

APPLICATION FOR ACCESS TO INFORMATION UNDER PROTECTIVE ORDER BY EXPERT CONSULTANT OR WITNESS

1. I, the undersigned, am a Consultant with The Kenrich Group LLC and hereby apply for access to protected information covered by the Protective Order issued in connection with this proceeding.

2. I have been retained by Charles J. Cooper, Cooper & Kirk PLLC and will, under the direction and control of that attorney, assist in the representation of United Launch Services, LLC in this proceeding.

3. I hereby certify that I am not involved in competitive decision making as discussed in *US. Steel Corp. v. United States*, 730 F.2d 1465 (Fed. Cir. 1984), for or on behalf of any party to this proceeding or any other firm that might gain a competitive advantage from access to the information disclosed under the protective order. Neither I nor my employer provides advice or participates in any decisions of such parties in matters involving similar or corresponding information about a competitor. This means, for example, that neither I nor my employer provides advice concerning, or participates in decisions about, marketing or advertising strategies, product research and development, product design or competitive structuring and composition of bids, offers, or proposals with respect to which the use of protected information could provide a competitive advantage.

4. My professional relationship with the party for whom I am retained in this proceeding and its personnel is strictly as a consultant on issues relevant to the proceeding. Neither I nor any member of my immediate family holds office or a management position in any company that is a party in this proceeding or in any competitor or potential competitor of a party.

5. I have attached the following information:

- a. a current resume describing my education and employment experience to date;

See Attachment A

- b. a list of all clients for whom I have performed work within the two years prior to the date of this application and a brief description of the work performed;

See Attachment B

- c. a statement of the services I am expected to perform in connection with this proceeding;

See Attachment C

- d. a description of the financial interests that I, my spouse, and/or my family has in any entity that is an interested party in this proceeding or whose protected information will be reviewed; if none, I have so stated;

See Attachment D

- e. a list identifying by name of forum, case number, date, and circumstances all instances in which I have been granted admission or been denied admission to a protective order, had a protective order admission revoked, or have been found to have violated a protective order issued by an administrative or judicial tribunal; if none, I have so stated; and

See Attachment E

- f. a list of the professional associations to which I belong, including my identification numbers.

See Attachment F

6. I have read a copy of the Protective Order issued by the court in this proceeding. I will comply in all respects with all terms and conditions of that order in handling any protected information produced in connection with the proceeding. I will not disclose any protected information to any individual who has not been admitted under the Protective Order by the court.

7. For a period of five years after the date this application is granted, I will not engage or assist in the preparation of a proposal to be submitted to any agency of the United States government for Space Launch Vehicle Services when I know or have reason to know that any party to this proceeding, or any successor entity, will be a competitor, subcontractor, or teaming member.

8. For a period of five years after the date this application is granted, I will not engage or assist in the preparation of a proposal or submission for Space Launch Vehicle Services nor will I have any personal involvement in any such activity.

9. I acknowledge that a violation of the terms of the Protective Order may result in the imposition of such sanctions as may be deemed appropriate by the court and in possible civil and criminal liability.

* * *

By my signature, I certify that, to the best of my knowledge, the representations set forth above (including attached statements) are true and correct.


Signature

September 9, 2014
Date Executed

Chelsea R. Taylor, Manager
Typed Name and Title

1919 M Street, NW Suite 620
Washington, DC 20036
Mailing Address

(202) 556-2964
Direct Dial Telephone Number

(202) 429-5673
Facsimile Number

ctaylor@kenrichgroup.com
E-mail Address


Signature

September 9, 2014
Date Executed

Charles J. Cooper, Attorney
Typed Name and Title

1523 New Hampshire Avenue, NW
Washington, DC 20036
Mailing Address

(202) 220-9660 & (202) 220-9601
Telephone & Facsimile Number

ccooper@cooperkirk.com
E-mail Address

Application by Chelsea R. Taylor for Access to Material Under a Protective Order

Attachment A – Current resume describing my education and employment experience to date;

Attachment B – List of all clients for whom I have performed work within the 2 years prior to the date of this application, and a brief description of the work performed;

Attachment C – Statement of the services I am expected to perform in connection with this protest;

Attachment D – Description of the financial interests that I, my spouse, and/or my family has in any entity that is an interested party in this action or whose protected material will be reviewed; if none, I have so stated;

Attachment E – List identifying by name of forum, case number, date, and circumstances all instances in which I have been granted admission or been denied admission to a protective order, or had a protective order admission revoked, or been found to have violated a protective order issued by GAO or by an administrative or judicial tribunal; if none, I have so stated; and

Attachment F – Statement of the professional associations to which I belong, including membership numbers.

ATTACHMENT A

RESUME FOR CHELSEA R. TAYLOR

Chelsea Taylor is a Manager for The Kenrich Group LLC in its Washington, D.C. office. Chelsea joined The Kenrich Group LLC after graduating from the University of Virginia. She is a Certified Fraud Examiner with experience in government contracts, construction, utilities, and other commercial industries. The support she provides to clients has included compliance review, damages analysis, and litigation support.

Government Contracts Experience

Chelsea has worked on numerous government contract matters assisting government contractors with: (1) consulting on compliance with FAR Part 31 Cost Principles for Government audits and disputes between contractors and the Government; (2) the preparation, review, and negotiation of termination settlement proposals (TSPs), (3) the preparation and review of Incurred Cost Submissions; (4) preparation, review, and analysis of Requests for Equitable Adjustment ("REAs") and claims; (5) damages analysis resulting from defective pricing, false claims, Truth in Negotiations Act (TINA) claims, Contract Disputes Act (CDA) claims, and (6) analyzing cost realism in bid protests, among other matters. In these engagements, Chelsea has conducted extensive reviews of accounting records, accounting systems, and various government policies and procedures, including the FAR, Contract Pricing Reference Guide, and DCAA Contract Audit Manual (CAM).

Chelsea has assisted clients in Government contracts-related litigation in federal, state, and local courts, as well as all phases of dispute resolution at arbitration boards and various Boards of Contract Appeals. Her experience at the Armed Services Board of Contract Appeals (ASBCA) includes preparing and presenting findings and positions in support of contractors' disputes with the US Government. She has also analyzed damages for a major US Government contractor in its dispute with its joint venture partner related to services provided to US troops overseas.

Chelsea has reviewed and analyzed claims and Requests for Equitable Adjustment (REAs) prepared by others and reviewed by government auditors, including the Defense Contract Audit Agency (DCAA) in several government industries, including defense and aerospace, healthcare, and the construction of facilities for the VA, NASA, and other agencies.

The Kenrich Group LLC

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Education

- University of Virginia
*Bachelor of Science in
Commerce; Concentrations in
Finance and International
Business*

Professional Associations

- Association of Certified Fraud
Examiners (ACFE), *Certified
Fraud Examiner*

ATTACHMENT A

RESUME FOR CHELSEA R. TAYLOR

She has reviewed DCAA audit reports and prepared responses and rebuttals to DCAA's positions on a variety of contracts in accordance with CAM guidance and the FAR, including multibillion dollar projects such as the largest-ever fully implemented ERP system, and a prime contract for food service to US troops based abroad. Chelsea has presented the results of her analyses to the DCAA and assisted contractors in disputing DCAA rulings who have presented her analyses to the cognizant Administrative Contracting Officer.

Terminations Experience

Chelsea has also been involved in the review and preparation of TSPs for several government contractors. Her termination experience in the Defense and Aerospace industry include contracts for space launch system technology, space telecommunications, and military combat systems, including a \$32 billion Department of Defense procurement. She has also worked on terminations related to oilfield operations in Afghanistan, as well as for construction firms and major health insurers.

Chelsea's experience in terminations has included auditing TSPs in accordance with FAR Part 49 and CAM Chapter 12, as well as other termination-related regulations. Chelsea has also assisted clients in negotiations with the client's prime contractor, the Government's Termination Contracting Officer, and negotiating termination settlements with hundreds of lower-tier subcontractors with TSPs ranging from the hundreds of dollars to the hundreds of millions of dollars. Chelsea has worked with numerous foreign suppliers in Canada, Belgium, Turkey, the United Arab Emirates, and the United Kingdom, among others.

Selected Commercial and Other Experience

Chelsea's commercial litigation experience includes economic, damages, financial, and accounting analyses. She has performed accounting analyses and quantified damages in defective pricing, breach of contract, lost profits, and intellectual property cases. Chelsea has also conducted extensive financial and economic analysis, including financial statement analysis and industry report review, to build valuation, damages, and lost profits models. Chelsea has calculated lost profits in a variety of industries, including marketing and information technology, related to both Government and commercial contracts..

In addition to economic, damages, and accounting analyses, Chelsea has performed valuations of intellectual property in several industries, including internet technology, spirits and beverages, heating and cooling technology, and food service.

Selected Lectures

"Government Contracts Terminated for Convenience: Cost and Contract Administration Issues," at the Annual World Congress of the National Contract Management Association. Washington, DC. July 2014.

ATTACHMENT B
CLIENT LIST FOR CHELSEA R. TAYLOR

CLIENT	DESCRIPTION OF WORK PERFORMED
Arnold & Porter LLP [<i>TrailBlazer Health</i>]	Analyze cost realism issues in a bid protest.
BAE Systems Land & Armaments L.P.	Provide training and consulting service on subcontractor termination issues.
BAE Systems Land & Armaments L.P.	Analyze payment and other accounting information relating to subcontractor payment issues.
Constantine Cannon, LLP / Schlam, Stone & Dolan, LLP [<i>PWC and PCA v. Supreme Foodservice GmbH</i>]	Analyze damages in a government contracts dispute.
Curtiss-Wright Controls Inc.	Analyze termination issues.
Gibson Dunn & Crutcher, LLP [<i>BlueCross BlueShield of Tennessee</i>]	Analyze termination issues and assist contractor in preparing termination settlement proposal.
Hewlett Packard Enterprise Services	Analyze issues related to cost and pricing data.
Northrop Grumman Information Systems	Analyze issues related to tracing of funds for Independent Research and Development costs
PilieroMazza PLLC [<i>SDS International, Inc. v. Nova Technologies</i>]	Analyze damages related to a lost profits claim.
Reed Smith LLP [<i>DynCorp International v. Tamimi Global</i>]	Analyze termination issues.

ATTACHMENT B
CLIENT LIST FOR CHELSEA R. TAYLOR

CLIENT	DESCRIPTION OF WORK PERFORMED
Reed Smith LLP [O'Keeffe & Company Marketing v. Armed Forces Services Corporation]	Analyze and calculate lost profits damages.
Smith Pachter McWhorter PLC [ATK v. Raytheon Missile Systems]	Research issues related to ATK's damages claim against Raytheon Missile Systems.
Smith Pachter McWhorter PLC [Fluor Federal Solutions, LLC]	Analyze the cost of delay and disruption related to an REA on a government contract.
Watt, Tieder, Hoffar & Fitzgerald, LLP [Louis Berger Group/Black & Veatch Special Projects Corp.]	Provide consulting services on termination issues.
Watt, Tieder, Hoffar & Fitzgerald, LLP [Sunrise VA Medical, LLC]	Analyze the cost of changed work, delay and disruption related to an REA on a government contract.
Wiley Rein LLP [Supreme Foodservice GmbH]	Analyze accounting issues related to a DCAA audit.
Williams Mullen [BOSH Global Services]	Analyze cost realism issues in a bid protest.
Wittie, Letsche & Waldo, LLP [Sullivan International Group, Inc.]	Analyze accounting and compliance issues related to a DCAA pre-award survey.

ATTACHMENT C
STATEMENT OF SERVICES

I have been retained to assist outside counsel for United Launch Services, LLC with respect to bid protest proceedings. My assistance is expected to include the review and analysis of proposal and evaluation materials, including cost or pricing data, and other documents related to the contract, and to provide findings and opinions to counsel related to cost and pricing issues in the bid protest.

ATTACHMENT D
SUMMARY OF RELEVANT FINANCIAL INTERESTS FOR CHELSEA R. TAYLOR

I, Chelsea R. Taylor and family do not hold financial interests in any entity that is an interested party in this action or whose protected material will be reviewed. This statement does not pertain to mutual funds or other financial vehicles, which may be held by me or my family, for which the owner does not have control over individual purchases of securities. I am not married.

ATTACHMENT E
PROTECTIVE ORDER HISTORY FOR CHELSEA R. TAYLOR

In July 2009, I, Chelsea R. Taylor signed an application for access to materials subject to a protective order to provide consulting services to assist Northern States Power Company with their dispute against the United States of America. See Civil action 98-484C in the United States Court of Federal Claims. I received access to materials subject to the protective order.

In July 2009, I, Chelsea R. Taylor signed an application for access to materials subject to a protective order to provide consulting services to assist Duke Power with their dispute against the United States of America. See Civil action 98-485C in the United States Court of Federal Claims. I received access to materials subject to the protective order.

In July 2009, I, Chelsea R. Taylor signed an application for access to materials subject to a protective order to provide consulting services to assist Indiana Michigan Power Company with their dispute against the United States of America. See Civil action 98-486C in the United States Court of Federal Claims. I received access to materials subject to the protective order.

In July 2009, I, Chelsea R. Taylor signed an application for access to materials subject to a protective order to provide consulting services to assist Southern Nuclear Operating Company with their dispute against the United States of America. See Civil action 98-614C in the United States Court of Federal Claims. I received access to materials subject to the protective order.

In July 2009, I, Chelsea R. Taylor signed an application for access to materials subject to a protective order to provide consulting services to assist Wisconsin Electric Power Company with their dispute against the United States of America. See Civil action 00-697C in the United States Court of Federal Claims. I received access to materials subject to the protective order.

In July 2009, I, Chelsea R. Taylor signed an application for access to materials subject to a protective order to provide consulting services to assist Power Authority of the State of New York with their dispute against the United States of America. See Civil action 00-703C in the United States Court of Federal Claims. I received access to materials subject to the protective order.

In July 2009, I, Chelsea R. Taylor signed an application for access to materials subject to a protective order to provide consulting services to assist Omaha Public Power District with their dispute against the United States of America. See Civil action 01-115C in the United States Court of Federal Claims. I received access to materials subject to the protective order.

In July 2009, I, Chelsea R. Taylor signed an application for access to materials subject to a protective order to provide consulting services to assist PSEG Nuclear LLC with their dispute against the United States of America. See Civil action 01-551C in the United States Court of Federal Claims. I received access to materials subject to the protective order.

In July 2009, I, Chelsea R. Taylor signed an application for access to materials subject to a protective order to provide consulting services to assist Pacific Gas and Electric Company with their dispute

ATTACHMENT E
PROTECTIVE ORDER HISTORY FOR CHELSEA R. TAYLOR

against the United States of America. See Civil action 10-507C and -508C in the United States Court of Federal Claims. I received access to materials subject to the protective order.

In July 2009, I, Chelsea R. Taylor signed an application for access to materials subject to a protective order to provide consulting services to assist The Detroit Edison Company with their dispute against the United States of America. See Civil action 02-926C in the United States Court of Federal Claims. I received access to materials subject to the protective order.

In July 2009, I, Chelsea R. Taylor signed an application for access to materials subject to a protective order to provide consulting services to assist Entergy Corporation with their disputes against the United States of America. See Civil actions 03-2624C, 03-2623C, 03-2622C, 03-2627C, 03-2626C, 03-2621C, and 11-511C in the United States Court of Federal Claims. I received access to materials subject to the protective order.

In July 2009, I, Chelsea R. Taylor signed an application for access to materials subject to a protective order to provide consulting services to assist Nebraska Public Power District with their dispute against the United States of America. See Civil action 01-116C in the United States Court of Federal Claims. I received access to materials subject to the protective order.

In July 2009, I, Chelsea R. Taylor signed an application for access to materials subject to a protective order to provide consulting services to assist PPL Susquehanna, LLC with their dispute against the United States of America. See Civil action 04-70C in the United States Court of Federal Claims. I received access to materials subject to the protective order.

In October 2009, I, Chelsea R. Taylor, signed an application for access to materials subject to a protective order to provide consulting services to assist EchoStar Satellite, LLC, with their dispute against VOOM HD Holdings, LLC. See Civil action 600292/08 in the Supreme Court of the State of New York for the County of New York: Commercial Division. I received access to materials subject to the protective order.

In May 2010, I, Chelsea R. Taylor signed an application for access to materials subject to a protective order to provide consulting services to assist Sun Microsystems, Inc, with their dispute against the United States of America ex rel. Norman Rille and Neal Roberts. See Civil action 4:04CV00986 WRW in the United States District Court For the Eastern District of Arkansas Western Division. I received access to materials subject to the protective order.

In November 2010, I, Chelsea R. Taylor signed an application for access to materials subject to a protective order to provide consulting services to assist Computer Sciences Corporation with their dispute before the Armed Service Board of Contract Appeals, ASBCA Nos. 56162-56176. I received access to materials subject to the protective order.

ATTACHMENT E
PROTECTIVE ORDER HISTORY FOR CHELSEA R. TAYLOR

In October 2012, I, Chelsea R. Taylor signed an application for access to materials subject to a protective order to provide consulting services to assist CGS Administrators, LLC with their GAO bid protest. See GAO bid protest File No. B-407668.2. I received access to materials subject to the protective order.

In January 2013, I, Chelsea R. Taylor signed an application for access to materials subject to a protective order to provide consulting services to assist TrailBlazer Health with their GAO bid protest. See GAO bid protest File No. B-407486.2. I received access to materials subject to the protective order.

In August 2013, I, Chelsea R. Taylor signed an application for access to materials subject to a protective order to provide consulting services to assist BOSH Global Services with their GAO bid protest. See GAO bid protest File No. B-408609, Protest of Rally Point Management, LLC. I received access to materials subject to the protective order.

In August 2013, I, Chelsea R. Taylor signed an application for access to materials subject to a protective order to provide consulting services to assist BOSH Global Services with their GAO bid protest. See GAO bid protest File No. B-408609.2, Protest of enrGies, Inc. I received access to materials subject to the protective order.

In October 2013, I, Chelsea R. Taylor, signed an application for access to materials subject to a protective order to provide consulting services to assist Supreme Foodservice GmbH with their dispute before the Armed Service Board of Contract Appeals, ASBCA Nos. 57884 and 58666. I received access to materials subject to the protective order.

In April 2014, I, Chelsea R. Taylor, signed an application for access to materials subject to a protective order to provide consulting services to assist O'Keeffe & Company Marketing, Inc. in its dispute with Armed Forces Services Corporation. See Civil Action CL1303998 in the Circuit Court for the City of Alexandria. I received access to materials subject to the protective order.

In May 2014, I, Chelsea R. Taylor, signed an application for access to materials subject to a protective order to provide consulting services to assist Nova Technologies in its dispute against SDS International, Inc. See Civil Action 1:13-cv-01460 before the United States District Court for the Eastern District of Virginia, Alexandria Division. I received access to materials subject to the protective order.

I have never been denied admission to a protective order, had a protective order revoked or been found to have violated a protective order by the U.S. Court of Federal Claim, the General Accounting Office, the General Services Administration, a Board of Contract Appeals or by any other administrative or judicial forum.

ATTACHMENT F
PROFESSIONAL ASSOCIATION SUMMARY FOR CHELSEA R. TAYLOR

Professional Association

Membership Number

Association of Certified Fraud Examiners

629908